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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,127	10/22/2001	Wolfgang Schonberger	A-2986	7101

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EXAMINER	
HINZE, LEO T	

ART UNIT	PAPER NUMBER
2854	

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/033,127	SCHONBERGER, WOLFGANG	
	Examiner	Art Unit	
	Leo T. Hinze	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-5,7,10 and 12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-5,7,10 and 12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2, 3, 5, 7, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price et al., US 6,571,710 B1 (hereafter Price) in view of Dini, US 3,964,386 (hereafter Dini) and Chase, US 2,986,088 (hereafter Chase).

a. Regarding claim 10 and 12:

Price teaches a printing press, comprising a printing form cylinder (12, Fig. 2), a zone-less inking unit including an ink-metering device having a single metering element (42, Fig. 6) operatively engaging with a roller (40, Fig. 2), said roller being a roller operatively engaging with an ink form roller (15, Fig. 2), said ink for roller rolling on said printing form cylinder during a printing operation, said ink-metering device producing an ink pattern being even over a print width of said roller (col. 5, ll. 48-65), a glazing roller (18, Fig. 2) disposed downline from said single metering element along a peripheral line of said roller, the glazing roller being in rolling contact exclusively with said roller; and said glazing roller having one of a rubber-elastic peripheral surface and an elastomeric peripheral surface ("resilient surface," col. 4, ll. 55-57).

Price does not teach an oscillation device assigned to said single metering element for mounting said metering element so that it is oscillatable at a frequency within a range of 200 Hz to 10 kHz between an engaging position and a spaced-away position of said single metering element in which said single metering element is lifted to an outlet height of at least 20 micrometers and less than 40 micrometers from said roller; a plurality of glazing rollers.

Dini teaches a method and apparatus for removing surplus ink on printing cylinders, including an oscillation device assigned to said single metering element (4, 5, 6, Fig. 1) for mounting said metering element so that it is oscillatable at a frequency within a range of 200 Hz to 10 kHz ("5 to 200 kHz," col. 2, l. 46) between an engaging position and a spaced-away position of said single metering element in which said single metering element is lifted to an outlet height of at least 20 micrometers and less than 40 micrometers from said roller ("5 to 30μ," col. 2, l. 53; roller 12, Fig. 4). Dini teaches that such an arrangement is advantageous for controlling the thickness of a liquid layer applied to a surface (col. 4, ll. 62-65) and for eliminating inconsistency of tone reproduction of printings (col. 1, ll. 45-46).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Price to include with the metering device an oscillation device that it is oscillatable at a frequency within a range of 200 Hz to 10 kHz between an engaging position and a spaced-away position of said single metering element in which said single metering element is lifted to an outlet height of at least 20 micrometers and less than 40 micrometers from said roller, because Dini teaches that such an oscillatable metering element is

advantageous for controlling the thickness of a liquid layer applied to a surface and for eliminating inconsistency of tone reproduction of printings.

Chase teaches a plurality of glazing rollers (41-45, Fig. 1) disposed downline from said single metering element along a peripheral line of said roller, the glazing rollers being in rolling contact exclusively with said roller. Multiple glazing rollers are advantageous for effecting a smoothing or equalization of the ink film, such that the film leaving the roller is almost perfectly uniform along the entire length of the form roller (col. 7, ll. 6-16).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Price to include a plurality of glazing rollers, because Chase teaches that a plurality of roller are advantageous for effecting a smoothing or equalization of the ink film, such that the film leaving the roller is almost perfectly uniform along the entire length of the form roller.

b. Regarding claim 2, the combination of Price, Dini and Chase teaches all that is claimed as discussed in the rejection of claim 10 above. Dini, as properly combined with Price above, also teaches said roller has a radial direction (12, Fig. 4); and said oscillation device has a guide guiding said single metering element in an oscillation direction (A, Fig. 4) deviation in a range from 0° to 20° in said radial direction of said roller (α, Fig. 4).

c. Regarding claim 3, the combination of Price, Dini and Chase teaches all that is claimed as discussed in the rejection of claim 10 above. Dini, as properly combined with Price above, also teaches wherein said oscillation device has an electromagnetic oscillation drive ("electromagnetic," col. 3, l. 19) drivingly connected to said single metering element.

d. Regarding claim 5, the combination of Price, Dini and Chase teaches all that is claimed as discussed in the rejection of claim 10 above. Dini, as properly combined with Price above, also teaches wherein said single metering element is a metering blade having a working region terminating in a cutting edge, said working region of said metering blade having a cross-section thickness which remains constant ("may in cross-section be square," col. 3, l. 49).

e. Regarding claim 7, the combination of Price, Dini and Chase teaches all that is claimed as discussed in the rejection of claim 10 above. Price also teaches an ink feeding device (34, Fig. 2) disposed upline of said metering element alongside a peripheral line of said roller.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price in view of Dini and Chase as applied to claim 10 above, and further in view of Jeschke et al., US 4,089,264 (hereafter Jeschke).

The combination of Price, Dini and Chase teaches all that is claimed as discussed in the rejection of claim 10 above.

The combination of Price, Dini and Chase does not teach wherein said oscillation device has a spring for setting said single metering element against said roller.

Jeschke teaches an electromagnetically actuated oscillating element (6, Fig. 1) that is set against a roller (2, Fig. 1) by a spring (15, Fig. 1).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Price to include a spring for setting said single metering element against said roller as taught by Jeschke, because a person having ordinary skill in the art would recognize that a spring would cause the default position of the metering element to be one

of contact with the roller, which would advantageously prevent wasting ink in the event that the machine was operating but the oscillation mechanism had otherwise failed.

Response to Arguments

4. Applicant's arguments filed 26 September 2006 with respect to the deficiencies of Chase with respect to the claimed subject matter, particularly the lack of teaching of a roller being one of an ink form roller and a roller operatively engaging with an ink form roller, have been fully considered and are persuasive. Therefore, the final rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the prior art as applied above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leo T. Hinze
Patent Examiner
AU 2854
07 October 2006

Daniel J. Colilla
Primary Examiner
Art Unit 2854